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Uimhir Thagartha: S180/20/10/1417

CRUINNIÚ RIALTAIS

Dáta: 09/03/2011

Ábhar: 9. Ministerial Transport

An tAire a thionscain: Oifig an Taoisigh

Dáta an Mheabhráin: 9/03/2011

Cinneadh an Rialtais:

In the context of the Programme for Government it was agreed that

(1) the Minister for Justice and Equality would discuss with the Garda Commissioner security issues to be taken into account, and

(2) the Departments of Finance, Justice and the Office of Public Works would be asked to produce within two weeks proposals for the introduction of a more cost effective Ministerial transport system.

Cóip curtha chuig: Oifig an Aire Airgeadais, Oifig an Aire Dlí agus Cirt agus Athchóirithe Dlí, Oifig an Aire Gnóthaí Pobail, Comhionannais agus Gaeltachta, Oifig an Árd-Aighne, Oifig an Aire Cosanta, Oifig an Aire Talmhaíochta, Iascaigh agus Bia, Oifig an Aire Fiontar Trádála agus Nuálaíochta, Oifig an Aire Gnóthaí Eachtracha, Oifig an Aire Comhshaoil, Oidhreacht agus Rialtais Áitiúil, Oifig an Aire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha, Oifig an Aire Sláinte agus Leanaí, Oifig an Aire Oideachais agus Scileanna, Oifig an Aire Turasóireacht, Cultúir agus Spóirt, Oifig an Aire Coimirce Sóisialaí, Oifig an Aire Iompair, Oifig an Aire Stáit ag Roinn an Taoisigh



14/03/2011

Ref: 4/85/72/1 Pt16

Oifig an Aire Dlí agus Cirt agus Athchóirithe Dlí
Memorandum for the Government
Arrangements to be made for the provision of transport for Ministers and
other Office Holders

1. Decision Sought

The Minister for Justice and Law Reform wishes to present to his colleagues possible arrangements to be made for the provision of transport for Ministers and other Office Holders, in line with the commitments in the Government Programme for National Recovery 2011 – 2016.

The Minister has examined the available options in conjunction with the relevant policy considerations and he is of the view that the following approach would be appropriate:

- a) The President, the Taoiseach, the Tánaiste and the Minister for Justice and Law Reform should continue to be provided with Garda transport and drivers, for security reasons in line with the recommendations of the Garda Commissioner;
- b) The Chief Justice, by virtue of his position, should also have a Garda car and driver;
- c) The Director of Public Prosecutions should be provided with Garda transport and protection commensurate with his security profile but this should not be an ex officio entitlement;
- d) With the exception of the President and the three members of the Government mentioned in subparagraph a) the arrangements currently in place for Ministers of State should apply for all Ministers, the Attorney General and the Ceann Comhairle; and
- e) Subject to a period of three months notice, former Office Holders should no longer be supplied with official transport but such transport should be available to them on important State occasions.

2. Background/Reason for Memorandum

Under long-standing arrangements, Office Holder cars have been made available to the President, the members of the Government, the Government Chief Whip, a Minister of State sitting in Cabinet, the Ceann Comhairle, the Chief Justice, the Attorney General, the Director of Public Prosecutions and former Presidents and Taoisigh. The Office Holder fleet is maintained and operated by the Garda Síochána. The relevant Garda personnel do not act only as drivers but they also serve as personal protection officers for the Office Holders concerned. In December 2010 there were 56 Garda members assigned to drive and protect Office Holders. A reserve panel was also in place and the personnel involved were also available to the Garda Síochána for other duties.

At present the Office Holder Fleet comprises approximately 50 cars. These include spare vehicles which are used as replacements during service periods and as otherwise required. The Government contract for the supply of Office Holder cars expired in 2008. Many of the existing cars have substantial odometer readings and they are approaching the end of their user lives.

The bulk of the expenditure incurred in respect of the Fleet is linked to the salaries and allowances paid to Garda personnel. In 2010 the overall amount spent on the Fleet was approximately €7.5m (of which approximately €6.5 m consisted of salaries and allowances). Given that there were 27 Office Holders involved, the average cost per Office Holder in 2010 was approximately €280,000.

A high level Committee of officials prepared a report on Ministerial Transport in 1995 and it recommended that, subject to certain exceptions for security purposes, the Office Holder Fleet should be civilianised. This recommendation took specific account of the views of the then Garda Commissioner. In that context the Commissioner had indicated to the Committee that, from a security perspective, it was not necessary that the drivers should be members of the Garda Síochána except in the case of the President, the Taoiseach, the Tánaiste and the Minister for Justice, all of whom he considered 'because of the nature of their respective offices' should 'as a matter of prudence' continue to have Garda drivers assigned to them. That being said, the Commissioner made the point that security considerations could dictate that an individual Office Holder should have Garda transport/protection in specific circumstances.

The current Garda Commissioner has been consulted. He has studied the 1995 report and he has stated that he is of the view that the position set out by his predecessor remains valid today.

In 1982 the Government decided that Ministers of State should use their own cars for official business and be paid for official journeys undertaken. Two civilian drivers can be selected by each Minister of State and paid by the relevant Department. Travel rates are payable to Ministers of State in accordance with the rates set by the Department of Finance. The civilian drivers are also entitled to claim subsistence expenses.

The Department of Finance has examined the transport expenses incurred by Ministers of State and has estimated that the average annual cost per Minister of State, including drivers' pay, is approximately €120,200.

Expected savings

Using the expenditure figures for 2010, the average cost of providing an Office Holder car is approximately €280,000 and the average transport costs for a Minister of State are approximately €120,000. On that basis, the arrangements proposed by the Minister could potentially yield a saving of the order of €4m per annum.

Views of Ministers

Ministers will have the opportunity to express their views on the Ministers proposals at the Government meeting.

3. Impacts

There are no impacts for the following: North-South, East-West Relations, Gender Equality, Poverty Proofing, Industry Costs, Rural Communities, Quality Regulation

4. Observations Returned

No observations supplied

Oifig an Taoisigh

15/03/2011 Government Meeting

STRICTLY CONFIDENTIAL

BRIEFING NOTE FOR TAOISEACH

AGENDA ITEMS

Briefing for Item No. 3: Arrangements to be made for the provision of transport for Ministers and other Office Holders

M/Justice asks the Government to consider possible arrangements to be made for the provision of transport for Ministers and other office holders, in line with the commitments in the Programme for Government.

The Minister is proposing that:

- a) the President, the Taoiseach, the Tánaiste and the M/Justice continue to be provided with Garda transport and drivers,
- b) the Chief Justice should also have a Garda car and driver,
- c) the DPP should be provided with Garda transport and protection but that this should not be an ex officio entitlement,
- d) the arrangements currently in place for Ministers of State should apply to all other members of the Government, the AG and the Ceann Comhairle, and
- e) subject to a period of three months' notice, former Office Holders should no longer be supplied with official transport except on important State occasions.

Philip Hamell

14 March, 2011

In keeping with the confidentiality of Government related documents, copies of this note should not be forwarded to other persons and should be disposed of confidentially following the Government Meeting.



1

Uimhir Thagartha: S180/20/10/1417

CRUINNIÚ RIALTAIS

Dáta: 15/03/2011

Ábhar: 3. Arrangements to be made for the provision of transport for Ministers and other Office Holders

An tAire a thionscain: Oifig an Aire Dlí agus Cirt agus Athchóirithe Dlí

Dáta an Mheabhráin: 14/03/2011

Cinneadh an Rialtais:

Agreed that

- (1) the President, the Taoiseach, the Tánaiste and the Minister for Justice and Law Reform should continue to be provided with Garda transport and drivers, for security reasons in line with the recommendations of the Garda Commissioner;
- (2) the Chief Justice, by virtue of his position, should also have a Garda car and driver;
- (3) the Director of Public Prosecutions should be provided with Garda transport and protection commensurate with his security profile but that this should not be an ex officio entitlement;
- (4) with the exception of the President and the three members of the Government mentioned in subparagraph (1) the arrangements currently in place for Ministers of State should apply for all Ministers, the Attorney General and the Ceann Comhairle. This arrangement is to be implemented at the latest by 1 May, 2011; and
- (5) subject to a period of three months notice, former Office Holders should no longer be supplied with official transport but such transport should be available to them on important State occasions.

These proposed arrangements are to be reviewed after 12 months.



Ard-Rúnaí an Rialtais

Cóip curtha chuig: Oifig an Aire Airgeadais, Oifig an Taoisigh, Oifig an Aire Comhshaoil,
Pobail agus Rialtais Áitiúil., Oifig an Aire Gnóthaí Eachtracha



28/03/2011

Ref: Ref. No. 109/071/08

Oifig an Aire Airgeadais
Memorandum for the Government
Arrangements relating to the Staffing of Ministerial Offices

1. Decision Sought

Approval to be given to:

The Minister for Finance asks the Government to agree that:

(i) Ministers and Ministers of State covered by subparagraph (4) of the Government decision of 15th March, 2011 (S180/20/10/1417), the Attorney General and the Ceann Comhairle can appoint two Civilian Drivers on a contract of employment that is co-terminus with their period of appointment as Office Holder.

2. Background/Reason for Memorandum

2.1 The Government decided at its meetings on 9th March, the 10th March and 15th March certain arrangements in relation to Ministerial Transport.

2.2 [REDACTED]

[REDACTED] The Minister for Finance wishes to clarify that, [REDACTED] Ministers and Ministers of State may appoint Civilian Drivers on contracts of employments that are co-terminus with the Minister or Minister of State.

2.3 A model contract for Civilian Drivers is attached for information.

3. Impacts

There are no impacts for the following: Employment, North-South, East-West Relations, Gender Equality, Poverty Proofing, Industry Costs, Rural Communities, Quality Regulation

4. Cost to Exchequer of Proposal

Overall, the totality of the changes to the arrangements for providing Ministerial transport will result in a saving to the Exchequer.

5. Observations Returned

No observations supplied

Model Contract of Employment for the post of Civilian Driver

Employing Department/Office [Insert Name of Department Here]

Address
.....

Employee

Address
.....

Contract of Employment as Civilian Driver

I am directed by the Minister for **[Insert Name of Department]** to say that s/he is prepared to offer you an appointment as Civilian Driver on the following terms and conditions with effect from [date]. This contract is issued in accordance with the Unfair Dismissals Acts 1977 to 2007 and the Minimum Notice and Terms of Employment Acts 1973 to 2005.

General

1. The appointment is subject to the Civil Service Regulation Acts 1956 to 2005, the Public Service Management (Recruitment and Appointments) Act 2004 and any other Act for the time being in force or any other regulations relating to your employment in the Civil Service.

Pay

2. The rate of pay offered will be €631.75 per week and will be payable in arrears by Electronic Fund Transfer (EFT) into a bank account of your choice. Payment cannot be made until you supply a bank account number and bank sort code to the Personnel Section.

The rate of pay may be adjusted from time to time in line with Government policy.

Statutory deductions from salary will be made as appropriate by the Department of [Insert Name of Department]. Deductions for superannuation contributions will be made from pensionable remuneration only.

You will agree that any overpayment of salary or of travel and subsistence may be deducted from future salary payments due to you in accordance with the Payment of Wages Act 1991. The Department will advise you in writing of the amount and details of any such overpayment and give you at least one week's notice of the deduction to take place and will deduct the overpayment within six months of such notice in accordance with the Act.

Tenure

3. The appointment is to a temporary, unestablished position in the Civil Service and will terminate not later than the date on which the Officeholder who made the appointment ceases to hold office by reference to which he or she is an Officeholder i.e. ceases to hold the office of Minister of the Government or Minister of State). It carries no entitlement to established status, by way of limited competition or otherwise.

4. In accordance with the Protection of Employees (Fixed Term Work) Act 2003, your contract is on a fixed-term contract basis only.

5. The Department of [Insert Name of Department] reserves the right to terminate your employment prior to the date of cessation on giving of the appropriate notice set down in the Minimum Notice and Terms of Employment Acts 1973 to 2005. The Department of [Insert Name of Department] also reserves the right to terminate your employment for stated reasons. The appointment may be terminated at any time by either side in accordance with the Minimum Notice and Terms of Employment Acts 1973 and 2005.

6. In the event of serious misconduct, the appointment may be terminated without notice.

7. In the event of the appointment being terminated under the terms of paragraph 6 above, no remuneration or compensation will be payable other than that applicable to work carried out.

Unfair Dismissals Acts 1977 to 2007

8. The Unfair Dismissals Acts 1977 to 2007 will not apply to the termination of your employment by reason only of the expiry of this fixed term contract without it being renewed.

Duties

9. You will be required to perform the duties appropriate to you as Civilian Driver which may be assigned to you from time to time by the Officeholder who selected you

for appointment. You may not engage in private practice or be connected with any outside business which would interfere with the performance of official duties.

Headquarters

10. Your Headquarters will be such as may be designated from time to time by the Secretary General. Travel and subsistence payments will be made at the appropriate Civil Service rates in respect of certified official travel and subject to the usual Civil Service regulations which apply in relation to travel and subsistence.

Note:

In the case of drivers who reside more than 22.5 kilometres from the GPO, Dublin and where the headquarters of the Department is located in Dublin, overnight subsistence allowance will be payable in respect of necessary overnight absences from home on official duty.

Day subsistence allowances are not payable for absences at any place within five kilometres of the driver's home or headquarters.

Organisation of Working Time Act / Hours of attendance

11. The terms of the Organisation of Working Time Act 1997 (OWTA) will apply, as appropriate, to this appointment.

12. Hours of attendance will be as fixed from time to time but will amount to on average not less than 41 hours gross per week. The working pattern will be seven days on and seven days off on a week-on week-off basis. You will be required to complete form OWT1 in accordance with S.I. No. 473 of 2001 *Organisation of Working Time (Records) (Prescribed Form and Exemptions) Regulations, 2001* and submit it to _____ on a fortnightly basis.

No additional remuneration will be paid for extra attendance during the week on. You will be given an extra payment equivalent to two days pay for each day you are required to work on your week off.

Note to Personnel Officer – if the employee is under 18 years of age please insert the following sentence: The Protection of Young Persons (Employment) Act 1996 will apply to your appointment until you reach 18 years of age.

Annual Leave

13. The annual leave allowance will be 14 days per year, expressed on the basis of;

- *a seven-day week and exclusive of the usual public holidays,*
- *to facilitate the taking of annual leave, consideration will be given to granting annual leave during Dáil recesses or when the appropriate Minister is also on leave,*
- *the duty is rostered between two drivers working one week on and one week off.*

Sick Leave

14. Pay during properly certified sick absence, provided there is no evidence of permanent disability for service, may be allowed on a pro-rata basis, in accordance with the provisions of the appropriate sick leave circulars.

You will be required to sign a mandate authorising the Department of Social Protection to pay any benefits due under the Social Welfare Acts direct to this Department and payment during illness will be subject to you making the necessary claims for social insurance benefit to the Department of Social Protection within the required time limits.

Superannuation and Retirement

15.1 ***Superannuation Terms: Only one of the options (a), (b), (c), (d) or (e) below should be used as appropriate. (Unused options should be deleted.)***

(a) For appointees who do not fall within categories (b) to (e) below

The terms of the Non-contributory Pension Scheme for Non-established State Employees and of the Contributory Spouses' and Children's Pension Scheme for Non-established State Employees will apply to this appointment. The minimum age at which pension is payable is 65..

or

(b) For appointees who are in receipt of or have a preserved entitlement to public service superannuation benefits (see paragraph 9.9 in the body of the guidelines above).

Based on the information supplied by you, and as you are in receipt of, or have an entitlement to, a Public Service pension from a previous employment you are not entitled to superannuation benefits in respect of this employment. This Department will facilitate but not contribute to membership of a PRSA.

or

(c) For appointees who are serving Civil or Public Servants

You are appointed on secondment from [INSERT NAME OF DEPARTMENT/OFFICE]. You remain a member of the pension scheme for [INSERT NAME OF PENSION SCHEME]. The terms and conditions of that pension scheme will apply to this appointment. **Please Note:** Your pension benefits will be based on your salary in your substantive grade i.e. the grade from which you have been seconded.

Or

(d) For appointees who are seconded from the private sector

The Pension Section of the Department of Finance must be consulted.

or

(e) For appointees to whom Department of Finance letter dated 13/10/98 applies:

The terms of the Non-contributory Pension Scheme for Non-established State Employees and of the Contributory Spouses' and Children's Pension Scheme for Non-established State Employees will apply to this appointment. The minimum age at which pension is payable is 65. You have acknowledged that you have been informed of, and have had explained to you, the option to take a payment in respect of superannuation contributions in lieu of membership of the aforementioned schemes and that you have chosen not to avail of that option.

OR

Payments not exceeding 11% of salary in respect of superannuation contributions will be made on your behalf to the [insert name of company - must be an approved pension provider] pension fund on foot of notification by you of your membership of that fund. In accepting this arrangement and in signing this contract, you agree to waive all entitlements under any Public Service superannuation scheme in respect of the period of this appointment. You have acknowledged that you have been informed of, and had explained to you, the option to join the Non-contributory Pension Scheme for Non-established State Employees and of the Contributory Spouses' and Children's Pension Scheme for Non-established State Employees in lieu of a payment in respect of superannuation contributions and that you have chosen not to join the Schemes.

15.2 Retirement Age: Only one of the options (a) or (b) below should be used as appropriate. (The unused option should be deleted.)

(a) For appointees who are "new entrants"

Based on the information provided by you and with your agreement you are deemed to be a new entrant (as defined in the Public Service Superannuation (Miscellaneous Provisions) Act 2004), there is no specified maximum retirement age in respect of your appointment to this position. Tenure is co-terminus with the Minister.

Or

(b) For appointees who are not "new entrants"

Based on the information provided by you and with your agreement you are deemed not to be a new entrant (as defined in the Public Service Superannuation (Miscellaneous

Provisions) Act 2004), retirement is compulsory on reaching 65 years of age. Tenure is co-terminus with the Minister or on reaching 65 years of age whichever is earlier.

Pension-Related Deduction

15.3 This appointment is subject to the pension-related deduction in accordance with the Financial Emergency Measures in the Public Interest Act, 2009.

Official secrecy and integrity

16. You will, during the term of your appointment, be subject to the provisions of the Official Secrets Act 1963 as amended by the Freedom of Information Acts 1997 and 2003. You will agree not to disclose to third parties any confidential information especially that with commercial potential either during or subsequent to the period of employment. You will also be subject to the Civil Service Code of Standards and Behaviour.

Confidentiality and publication

17. You will not, while holding the position of Civilian Driver to the *[Minister for State for/at the Department of [Insert Name of Department Here]]* or thereafter, disclose or publish any confidential official information or material, including electronically held data, which you acquired or which came to your knowledge in the course of, or as a consequence of, your employment in that capacity, except where the matter has been submitted for adjudication to the Secretary General to the Government as to its confidentiality and, on the basis of his decision, the prior approval of the Minister concerned at the time of publication has been obtained for publication or disclosure. The disclosure of official information is also covered by the provisions of the Official Secrets Act 1963.

18. It is a condition of your employment in the above-stated capacity that the copyright in any book, article or other publication which you write or publish, containing unauthorised disclosures of official information is vested in the Government of Ireland. If in breach of the said condition you write or publish any book, article or other publication containing unauthorised disclosures of official information, any copyright in the said book, article or other publication which but for this clause would vest in you will belong to the Government of Ireland.

Civil Service Code of Standards and Behaviour

19. The Civil Service Code of Standards and Behaviour forms part of your contract for this appointment.

Ethics in Public Office Acts

20. The terms of the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001 apply to this appointment (i.e. your contract of employment and a statement whether you are a relative of Minister or Minister of State on whose behalf you are appointed will be laid before the Houses of the Oireachtas).

Personnel Code

21. All circulars are available on the website www.codpearsanra.gov.ie or from the Personnel Section.

If you accept the appointment on these terms please complete and return the form of acceptance to me at the above address.

Form of Acceptance

I have read and noted the contract and I am prepared to accept an appointment as Civilian Driver to the Minister for [insert Department name], on the terms and conditions set out above. I also acknowledge receipt of a copy of the Civil Service Code of Standards and Behaviour and confirm that I have read same.

Name: _____

Signed: _____

Dated: _____

Secretary General: _____

Signed: _____

Dated: _____



Oifig an Taoisigh

29/03/2011 Government Meeting

STRICTLY CONFIDENTIAL

BRIEFING NOTE FOR TAOISEACH

SUPPLEMENTARY AGENDA ITEMS

Briefing for: Arrangements relating to Staffing of Ministerial Offices

M/Finance asks Government to agree that Ministers (except the Taoiseach, Tánaiste and M/Justice for whom separate arrangements apply), Ministers of State, the Attorney General and the Ceann Comhairle can appoint two civilian drivers on a contract of employment that is co-terminus with their period as an Office Holder. This follows from the Government decision of 15 March on the new arrangements for the provision of transport for Ministers and other Office Holders.

Edel Cooke

28 March 2011

In keeping with the confidentiality of Government related document, copies of this note should be not forwarded to other persons and should be disposed of confidentially following the Government Meeting.



1

Uimhir Thagartha: S/180/20/10/1417

CRUINNIÚ RIALTAIS

Dáta: 29/03/2011

Ábhar: 9. Arrangements relating to the Staffing of Ministerial Offices

An tAire a thionscain: Oifig an Aire Airgeadais

Dáta an Mheabhráin: 28/03/2011

Cinneadh an Rialtais:

Agreed that

(1) Ministers and Ministers of State covered by subparagraph (4) of the Government decision of 15th March, 2011 (S180/20/10/1417), the Attorney General and the Ceann Comhairle can appoint two Civilian Drivers on a contract of employment that is co-terminus with their period of appointment as Office Holder.

(2) [REDACTED]

Ard-Rúnaí an Rialtais

Cóip curtha chuig: Oifig an Taoisigh, Oifig an Aire Dlí agus Cirt agus Athchóirithe Dlí, Oifig an Aire Gnóthaí Pobail, Comhionannais agus Gaeltachta, Oifig an Árd-Aighne, Oifig an Aire Cosanta, Oifig an Aire Talmhaíochta, Iascaigh agus Bia, Oifig an Aire Fiontar Trádála agus Nuálaíochta, Oifig an Aire Gnóthaí Eachtracha, Oifig an Aire Comhshaoil, Oidhreacht agus Rialtais Áitiúil, Oifig an Aire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha, Oifig an Aire

Sláinte agus Leanaí, Oifig an Aire Oideachais agus Scileanna, Oifig an Aire Turasóireachta,
Cultúir agus Spóirt, Oifig an Aire Coimirce Sóisialaí, Oifig an Aire Iompair, Oifig an Aire Stáit
ag Roinn an Taoisigh

Oifig an Aire Iompair, Turasóireachta agus Spóirt

Memorandum for the Information of Government

1. 

Background

2. The Government decided that, as of May 2011, only a number of key members of the Government will continue to have continuous access to State cars with Garda drivers. Under the current system, all member of the Cabinet are assigned State cars, which are driven by members of An Garda Síochána. Cars driven by members of An Garda Síochána, in performance of their duties, are exempt from normal traffic restrictions under the Road Traffic Regulations, including restrictions on the use of bus lanes. In future, for the most part, Ministers will travel to or from their offices or on official engagements in their own cars, with civilian drivers or driving themselves.

Possible Course of Action

3. Access to bus lanes is governed by the Road Traffic (Traffic and Parking) Regulations of 1997 (S.I. No. 182 of 1997), as amended. These regulations provide in relation to the use of bus lanes, amongst other matters, for:
 - a general exemption in emergency cases where it is not possible to obey the rules;
 - a blanket exception for certain categories of vehicle, including 'a vehicle being used by a member of the Garda Síochána in performance of the duties of that member' this would include State cars driven by members of An Garda Síochána; and,
 - a set of specific exemptions dealing with restrictions on parking.
4. Should the Government decide that the continued use of bus lanes by Ministers using non-Garda drivers or vehicles continues to be important in the exercise of their functions, it would be open to the Minister to amend the Road Traffic Regulations governing the use of bus lanes. This amendment would allow Ministers on official business to continue to use bus lanes notwithstanding the use of a non-Garda vehicle or driver.

5. However, it should be noted that there may be adverse public comment in relation to what might be seen as the granting of explicit preferential treatment to Ministers. It should also be noted that other groups such as car clubs, hackney and limousine companies have sought, for some time, to gain access to the use of bus lane. This has been resisted consistently by the Department of Transport, Tourism and Sport on the basis that extending the exemption to cover vehicles other than emergency and public service vehicles would be difficult to enforce and would diminish the purpose of the bus lanes.

Ref:

26 July 2011

Oifig an Aire Iompair, Turasóireachta agus Spóirt

Memorandum for Government

Decision Sought

[REDACTED]

Background

The Government on the 3rd of May 2011 agreed to the drafting of a Statutory Instrument designating Ministerial cars to be equivalent to taxis in the context of the use of bus lanes when Ministers are on official business. The decision was taken on the basis that an appropriate Statutory Instrument would be submitted to Government for approval (S180/20/10/1417).

Key points of draft Statutory Instrument

Use of bus lanes on the same basis as taxis would entitle cars carrying Ministers, the Ceann Comhairle, the Attorney General, and Ministers of State whose position entitles them to attend meetings of the Government, on official business, to travel in with-flow bus lanes, but not contra-flow bus lanes. Other privileges associated with State cars would not be afforded - State cars, by virtue of being vehicles driven by members of An Garda Síochána in performance of their duties, are exempted from a wide range of traffic and parking restrictions, such as going through red traffic lights, driving on cycle tracks, mounting the footpath, and parking in restricted/no parking zones.

Recommended Course of Action

The Minister, having considered the matter further, is concerned that the proposal may have unintended consequences in relation to maintaining and enforcing the primary purpose of bus lanes as restricted to taxis and buses, i.e. public transport. There has been pressure on successive Ministers for Transport to give access to bus lanes to hackneys, limousines, car clubs and motor cycles, all of which has been resisted on the basis that extending the exemption to vehicles other than emergency vehicles and public service vehicles would make enforcement much more difficult (thus increasing the risk of general non-compliance) and would diminish the intended benefit of the bus lanes. Moreover, it could give rise to negative comment about Government Ministers.

He, therefore, recommends against a Ministerial privilege in this case.

However, should the Government decide to proceed in line with the May decision, the Minister will submit the attached draft Statutory Instrument to the Office of the Parliamentary Counsel (OPC) for formal drafting and, on receipt of a stamped copy from the OPC, will sign it into law as directed by Government.



30/03/2012

Ref: E105/17/83

Oifig an Aire Caiteachais Phoibhl agus Athchirithe
Memorandum for the Government
Ministerial car transport arrangements

1. Decision Sought

[REDACTED]

2. Background

3. Since 1 May 2011, Cabinet Ministers with the exception of the Taoiseach, Tánaiste and Minister for Justice and Law Reform, who retained a State car, have been using their own cars for official business on the same basis as Ministers of State and are now being paid a public service travel allowance for up to 96,940 km [60,000 miles] per annum. This requires Ministers to provide their own private car for official purposes with recompense in relation to all such related expenditure (insurance, taxation, wear/tear etc) being paid through the mileage refund allowance system. Where extra insurance costs may arise for Cabinet Ministers in relation to the use of the car for business purposes such costs are refunded by Departments.

4. It was estimated at the time that the saving to be achieved in not supplying State cars to Cabinet Ministers was of the order of €4m per annum. On the basis of these estimates the average cost of each State car including the cost of Garda drivers was €280,000 per annum, while in the case of Ministers using their own cars (including the cost of 2 civilian drivers) it was calculated that the cost was in the region of €120,000 per annum per Minister.

5. The Government Decision of 15 March 2011 agreed that during the first 12 month period of operation of the new transport arrangements an examination would be carried out of alternative options for Cabinet ministerial transport.

3. Conclusions and Recommendations of the Review on Ministerial Transport Arrangements

Conclusions

6. The review by the Department of Public Expenditure & Reform of the current transport arrangements shows that the estimated cost per Cabinet Minister is just under €100,000 (inclusive of 2 civilian drivers including travel and subsistence allowances) per annum. This represents a saving of 65% on the previous transport system in place prior to May 2011 and supports the view that in value for money terms the new transport arrangements are more cost effective than the previous system.

7. A review carried out by this Department suggests that on the basis of confidentially acquired but limited data that the option of car leasing arrangements could offer certain value for money benefits in relation to Ministerial transport. The full extent of the financial benefits of car leasing however could only be assessed through conducting a public tender system. However it is considered that any marginal cost benefits that might arise from car leasing arrangements could be outweighed by a range of Benefit in Kind taxation impositions that would apply to such leasing arrangements.

8. An issue arises however in relation to Ministers who may from time to time conjoin private and official business travel with the inevitability of the official travel subsidising the non official travel element. Such instances of overlap in car travel usage can be difficult to keep track of in the normal course of day to day activities and maintaining a diary can never be expected to give sufficient detail in relation to each trip in this regard. The recommendations below are put forward in order to address this issue while minimising the administrative overheads to the greatest extent possible.

Recommendations

[REDACTED]

4. Views of Ministers

10. Ministers will have the opportunity to express their views on the proposals at the Government meeting.

5. Impacts

There are no impacts for the following: Employment, North-South, East-West Relations, Gender Equality, Poverty Proofing, Industry Costs, Rural Communities, Quality Regulation

6. Observations Returned

No observations supplied



Oifig an Taoisigh
17/04/2012 Government Meeting

STRICTLY CONFIDENTIAL
BRIEFING NOTE FOR TAOISEACH

AGENDA ITEMS

Item No. 17: Ministerial car transport arrangements

This item is postponed from the last meeting.

M/PER asks the Government to consider the conclusions of a review carried out by his Department on the operation of the car transport arrangements introduced for Ministers in May 2011. [REDACTED]

- [REDACTED]
- [REDACTED]

Since May 2011 Ministers have provided their own private cars for official purposes with recompense (for insurance, taxation, wear/tear, etc.) being paid through the mileage refund allowance system. The Government agreed that during the first 12-month period of operation of these new transport arrangements that an examination of alternative options would be carried out.

The review carried out by D/PER shows that the estimated cost per Minister of the new arrangement is just under €100,000, a saving of 65% on the previous transport arrangement. The review suggests that on the basis of confidentially acquired but limited data that the option of car leasing could offer certain value for money benefits. However, the full benefits could only be assessed through conducting a public tender and it is considered that any marginal costs benefits that would arise would be offset by benefit-in-kind taxation impositions.

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An issue arises in relation to Ministers who may from time to time conjoin private and official business travel with the inevitability of the official travel subsidising the non-official travel element. Such instances of overlap in car travel usage can be difficult to keep track of in the normal course of day to day activities and M/PER has put forward recommendations to address this issue.



Ministers will have the opportunity to express their views at the Government meeting.

Philip Hamell

Philip Hamell
16 April, 2012

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1

Uimhir Thagartha: S180/20/10/1417

CRUINNIÚ RIALTAIS

Dáta: 17/04/2012

Ábhar: 14. Ministerial car transport arrangements

An tAire a thionscain: Oifig an Aire Caiteachais Phoiblí agus Athchóirithe

Dáta an Mheabhráin: 30/03/2012

Cinneadh an Rialtais:

Noted the contents of the memorandum concerning Ministerial car transport arrangements and agreed to consider the matter again in the context of the updated information contained in the Memorandum for Government dated 13 April, 2012 on Ministerial Travel.

Ard-Rúnaí an Rialtais

Cóip curtha chuig: Oifig an Aire Airgeadais, Oifig an Taoisigh, Oifig an Aire Iompair, Turasóireachta agus Spóirt, Oifig an Aire Leanaí agus Gnóthaí Óige, Oifig an Aire Ealaíon, Oidhreacht agus Gaeltachta, Oifig an Aire Sláinte, Oifig an Aire Gnóthaí Eachtracha agus Trádála, Oifig an Aire Dlí agus Cirt agus Comhionannais, Oifig an Aire Talmhaíochta, Bia agus

Mara, Oifig an Árd-Aighne, Oifig an Aire Cosanta, Oifig an Aire Post, Fiontar agus Nuálaíochta, Oifig an Aire Comhshaoil, Pobail agus Rialtais Áitiúil., Oifig an Aire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha, Oifig an Aire Oideachais agus Scileanna, Oifig an Aire Coimirce Sóisialaí, Oifig an Aire Stáit ag Roinn an Taoisigh



20/04/2012

Ref:

Oifig an Aire Caiteachais Phoiblí agus Athchóirithe
Memorandum for the Government
Ministerial Travel

1. Decision Sought

Approval to be given to:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2. Background/Reason for Memorandum

4. Since 1 May 2011, Cabinet Ministers with the exception of the Taoiseach, Tanaiste and Minister for Equality & Law Reform, who retained a state car, have been using their own cars for official business on the same basis as Ministers of State and are now being paid a public service travel allowance for up to 96,940km (60,000 miles) per annum. This travel allowance is based on paid mileage rates which comprehend related car expenditure including insurance, taxation, wear/tear and so on).

5. The official mileage rates payable include provision for the cost of standard car insurance policies. However where extra insurance costs or 'loading' may arise for Ministers in relation to the use of the car for business purposes such extra costs are separately refunded by Departments. The cost of insuring against any future liability on Ministers' no claim bonus is not generally included within the extra 'loading' insurance provision mainly because this specific element of cost is understood to be relatively small in amount and appropriate for inclusion in the mileage rates payable. The appropriateness of separating this specific future no claims liability cost from the extra 'loading' cost will be examined at official level with a view to determining if the current arrangements require to be revised. Other miscellaneous transport costs incurred such as for example toll charges are refundable to Ministers on the normal vouched basis arrangements.

6. It was estimated at the time that the saving to be achieved in not supplying State cars to Cabinet Ministers was of the order of €4m per annum. On the basis of these estimates the average cost of each State car including the cost of Garda drivers was €280,000 per annum, while in the case of Ministers using their own cars (including the cost of 2 civilian drivers) it was calculated that the cost was in the region of €120,000 per annum per Minister.

7. [REDACTED]

Subsistence for Civilian Drivers

8. Special subsistence arrangements are in place for civilian drivers in that they may avail of overnight expenses for necessary stays in Dublin related to the official duties of their Minister and subject to their home base being 24.14km [15 miles] distance or more from the GPO. However In the case of Civilian Drivers who are required to travel from their home base to collect Ministers at their residence it is the position that such distances are not specified for purposes of the drivers claiming overnights. It is proposed to apply a 24.14km (15 mile) distance requirement in order to allow Civilian Drivers to claim overnights where they are required to travel from their home base to the residence of their Minister. This arrangement is subject to the standard annual limit of €21,500 pa for such expenses not being exceeded. This is for noting by Government and the arrangement will be implemented on an administrative basis.

3. Impacts

There are no impacts for the following: Employment, North-South, East-West Relations, Gender Equality, Poverty Proofing, Industry Costs, Rural Communities, Quality Regulation

4. Cost to Exchequer of Proposal

9. The review by the Department of Public Expenditure & Reform (D/PER) of the current transport arrangements shows that the estimated cost per Cabinet Minister is just under €100,000 (inclusive of 2 civilian drivers including travel and subsistence allowances) per annum. This represents a saving of 65% on the previous transport system in place prior to

May 2011 and supports the view that in value for money terms the new transport arrangements are more cost effective than the previous system.

5. Ministerial Observations

No observations supplied.

6. Observations Returned

No observations supplied



1

Uimhir Thagartha: S180/20/10/1417

CRUINNIÚ RIALTAIS

Dáta: 24/04/2012

Ábhar: 14. Ministerial Travel

An tAire a thionscain: Oifig an Aire Caiteachais Phoiblí agus Athchóirithe

Dáta an Mheabhráin: 20/04/2012

Cinneadh an Rialtais:

Noted the contents of the memorandum concerning Ministerial Travel and agreed to consider the matter again in the context of a further submission to be brought to Government by the Minister for Public Expenditure and Reform in due course.

Ard-Rúnaí an Rialtais

Cóip curtha chuig: Oifig an Aire Airgeadais, Oifig an Taoisigh, Oifig an Aire Gnóthaí
Eachtracha agus Trádála



13/04/2012

Ref:

Oifig an Aire Caiteachais Phoiblí agus Athchóirithe
Memorandum for the Government
Ministerial Travel

1. Decision Sought

1. [REDACTED]

[REDACTED]

2. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3. [REDACTED]

2. Background/Reason for Memorandum

4 The official mileage rates payable include provision for the cost of standard car insurance policies. However where extra insurance costs or 'loading' may arise for Ministers in relation

to the use of the car for business purposes such extra costs are separately refunded by Departments. The cost of insuring against any future liability on Ministers' no claim bonus is not generally included within the extra 'loading' insurance provision mainly because this specific element of cost is understood to be relatively small in amount and appropriate for inclusion in the mileage rates payable. The appropriateness of separating this specific future no claims liability cost from the extra 'loading' cost will be examined at official level with a view to determining if the current arrangements require to be revised. Other miscellaneous transport costs incurred such as for example toll charges are refundable to Ministers on the normal vouched basis arrangements.

5. It was estimated at the time that the saving to be achieved in not supplying State cars to Cabinet Ministers was of the order of €4m per annum. On the basis of these estimates the average cost of each State car including the cost of Garda drivers was €280,000 per annum, while in the case of Ministers using their own cars (including the cost of 2 civilian drivers) it was calculated that the cost was in the region of €120,000 per annum per Minister.

6. [REDACTED]

Subsistence for Civilian Drivers

7 Special subsistence arrangements are in place for civilian drivers in that they may avail of overnight expenses for necessary stays in Dublin related to the official duties of their Minister and subject to their home base being 24.14km [15 miles] distance or more from the GPO. However In the case of Civilian Drivers who are required to travel from their home base to collect Ministers at their residence it is the position that such distances are not specified for purposes of the drivers claiming overnights. It is proposed to apply a 24.14km (15 mile) distance requirement in order to allow Civilian Drivers to claim overnights where they are required to travel from their home base to the residence of their Minister. This arrangement is subject to the standard annual limit of €21,500 pa for such expenses not being exceeded. This is for noting by Government and the arrangement will be implemented on an administrative basis.⁴ Since 1 May 2011, Cabinet Ministers with the exception of the Taoiseach, Tánaiste and Minister for Justice and Equality, who retained a State car, have been using their own cars for official business on the same basis as Ministers of State and are now being paid a public service travel allowance for up to 96,940 km [60,000 miles] per annum. This requires Ministers to provide their own private car for official purposes with recompense in relation to all such related expenditure (insurance, taxation, wear/tear etc) being paid through the mileage refund allowance system.

8. [REDACTED]

8.2 The Minister recommends that the administrative management of all official expenses documentation relating to Ministerial transport (including Civilian Drivers) to be assigned to Private Secretary and Accounting Office level within each Minister's Department (copies of relevant documentation attached for information)



3. Impacts

There are no impacts for the following: Employment, North-South, East-West Relations, Gender Equality, Poverty Proofing, Industry Costs, Rural Communities, Quality Regulation

4. Cost to Exchequer of Proposal

9. The review by the Department of Public Expenditure & Reform (D/PER) of the current transport arrangements shows that the estimated cost per Cabinet Minister is just under €100,000 (inclusive of 2 civilian drivers including travel and subsistence allowances) per annum. This represents a saving of 65% on the previous transport system in place prior to May 2011 and supports the view that in value for money terms the new transport arrangements are more cost effective than the previous system.

5. Observations Returned

No observations supplied



Oifig an Taoisigh
24/04/2012 Government Meeting

STRICTLY CONFIDENTIAL
BRIEFING NOTE FOR TAOISEACH

Item No. 14: Ministerial Travel

M/PER has submitted a further revised Memorandum on this (see next Item).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Item No. 15: Ministerial Travel

This item is postponed from the last meeting.

M/PER has submitted a revised Memorandum on this, following his previous Memoranda on Ministerial car transport arrangements.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]


[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In keeping with the confidentiality of Government related document, copies of this note should be not forwarded to other persons and should be disposed of confidentially following the Government Meeting.



M/PER is also asking the Government to note certain changes to the conditions applying to the subsistence expenses of Civilian Drivers. Currently, the distance a Driver has to travel from home to their Minister's residence is not specified for the purposes of claiming overnights. The Minister is proposing to apply a 24.14km (15 mile) distance requirement in order to allow Drivers to claim overnights where they are required to travel from their home base to the residence of their Ministers.

Philip Hamell

Philip Hamell
23 April, 2012

In keeping with the confidentiality of Government related document, copies of this note should be not forwarded to other persons and should be disposed of confidentially following the Government Meeting.



1

Uimhir Thagartha: S180/20/10/1417

CRUINNIÚ RIALTAIS

Dáta: 24/04/2012

Ábhar: 15. Ministerial Travel

An tAire a thionscain: Oifig an Aire Caiteachais Phoiblí agus Athchóirithe

Dáta an Mheabhráin: 13/04/2012

Cinneadh an Rialtais:

Noted the contents of the memorandum concerning Ministerial Travel and agreed to consider the matter again in the context of a further submission to be brought to Government by the Minister for Public Expenditure and Reform in due course.

Ard-Rúnaí an Rialtais

Cóip curtha chuig: Oifig an Aire Airgeadais, Oifig an Taoisigh, Oifig an Aire Gnóthaí
Eachtracha agus Trádála



16/07/2012

Ref:

Oifig an Aire Caiteachais Phoiblí agus Athchóirithe
Memorandum for the Government
Ministerial Transport

1. Decision Sought

Approval to be given to:

1. The Minister for Public Expenditure & Reform asks the Government:

(a) to note the conclusions of a review carried out by his Department on the operation of the car transport arrangements introduced in May 2011 for Cabinet Ministers which has led to substantial savings in the costs of travel arrangements for Cabinet Ministers in comparison to previous arrangements; and

(b) to agree, notwithstanding the considerable savings made, that:

(i) further public confidence can be generated by determining a fixed proportion of mileage devoted to personal purposes. Applying a fixed proportion would avoid the need for a burdensome administration system;

(ii) with effect from 1 September, 2012, Ministers and all Ministers of State (excluding the Taoiseach, Tánaiste and Minister for Justice and Equality) would make a 10% reduction from the mileage claimed to take account of any personal travel incidentally incurred in the conduct of official business. Mileage would henceforth be claimed on a monthly or quarterly basis and claims would be made on a standardised claim form to be supplied by the Department of Public Expenditure and Reform. The system proposed above would formalise the informal system that has operated up to now and would allow for standardised record keeping by Departments;

(iii) the administrative management of all official expenses documentation in respect of Ministerial transport arrangements (including Civilian Drivers) is to be formally assigned to Private Secretary and Accounting Officer level as appropriate within each Minister's Department; and

(iv) [REDACTED], arrangements will be put in place by his Department for the option of Garda transport to be made available to Ministers for their official business purposes where for unforeseen reasons they may be without their own transport to complete a journey.

2. The Minister also asks the Government to note:

(i) the communication from the Standards in Public Office Commission concerning Ministerial travel arrangements following a complaint made to the Commission, and

(ii) certain changes to be made at an administrative level to the conditions applying to the subsistence (overnights) expenses of Civilian Drivers.

2. Background/Reason for Memorandum

3. Since 1 May 2011, Cabinet Ministers, with the exception of the Taoiseach, Tánaiste and Minister for Justice and Equality, who retained a State car, have been using their own cars for official business on the same basis as Ministers of State and are now being paid a public service travel allowance for up to 96,940 km [60,000 miles] per annum. This requires Ministers to provide their own private car for official purposes with recompense in relation to all such related expenditure (insurance, taxation, wear/tear etc) being paid through the mileage refund allowance system.

4. The official mileage rates payable include provision for the cost of standard car insurance policies. However where extra insurance costs or 'loading' may arise for Ministers in relation to the use of the car for business purposes such extra costs are separately refunded by Departments. Other miscellaneous transport costs incurred such as for example toll charges are refundable to Ministers on the normal vouched basis arrangements.

5. It was estimated at the time that the saving to be achieved in not supplying State cars to Cabinet Ministers was of the order of €4m per annum. These estimates were based on the average cost of each State car including the cost of Garda drivers at €280,000 per annum. In the case of Ministers using their own cars (including the cost of 2 civilian drivers) it was calculated that the cost was in the region of €120,000 per annum per Minister.

6. [REDACTED]

3. Other Relevant Information

Review on Ministerial Transport Arrangements

7. The review by the Department of Public Expenditure & Reform (DPER) of the current transport arrangements as required by the Government Decision shows that the estimated cost per Cabinet Minister is in fact around under €100,000 (inclusive of 2 civilian drivers including travel costs, subsistence allowances and employers social insurance contribution) per annum. This represents a saving of 65% on the previous transport system in place prior to May 2011 and supports the view that in value for money terms, the new transport arrangements are more cost effective than the previous system.

8. A survey carried out by the National Procurement Agency suggests that, on the basis of confidentially acquired but limited data, the option of car leasing arrangements could offer certain value for money benefits in relation to Ministerial transport. The full extent of the financial benefits of car leasing however could only be assessed through conducting a public tender system. However it is considered that any marginal cost benefits that might arise from car leasing arrangements could be outweighed by a range of Benefit in Kind taxation impositions that would apply to such leasing arrangements.

9. The Minister therefore recommends to the Government the continuation of the existing Ministerial transport system on grounds of value for money.

10. The Minister recommends that each Minister's Private Secretary would complete the application form for the reimbursement of Ministerial car travel expenses and such forms would be certified by Accounting Officers based on the completed forms. Claim forms for Subsistence payments for Civilian Drivers would be completed by the claimant and certified by each Minister's Private Secretary based on the completed forms Mileage would henceforth be claimed on a quarterly basis. All claims for mileage and subsistence would, in

future, be made on a standardised claim form to be supplied by the Department of Public Expenditure and Reform to all Departments (copies of the relevant documentation are attached for information).

11. An issue arises in relation to Ministers who may from time to time conjoin private travel and official business travel with the inevitability of the official travel subsidising the non-official travel element. Such instances of overlap in car travel usage can be difficult to keep track of in the normal course of day to day activities and maintaining a diary cannot be expected to give sufficient detail in relation to each trip in this regard. The recommendations below are put forward in order to address this issue while minimising the administrative overheads to the greatest extent possible.

12. The Minister is of the view that notwithstanding the considerable savings made under the new transport arrangements that further public confidence can be generated by taking account of the proportion of mileage devoted to personal purposes while not engaging in a burdensome administration system. In order to achieve the appropriate balance the Minister would recommend that with effect from 1 September, 2012, Ministers and all Ministers of State (excluding the Taoiseach, Tánaiste and Minister for Justice and Equality) would make a 10% reduction from mileage claimed to take account of any personal travel incidentally incurred in travelling.

Correspondence from Standards in Public Office Commission

13. The Standards in Public Office Commission (SIPOC) has written to the Minister about Ministerial travel arrangements following a complaint being made to it. SIPOC felt the rules under which Ministers claim for their travel costs are not sufficiently transparent. While noting their concerns, the Minister is of the view that the recommendations made in this Memorandum are a practical and pragmatic way to meet the Commission's Concerns, while avoiding the need for a significant administrative overhead to disaggregate personal travel and the opportunity for confusion in application which such a system would occasion. It also takes account of the valid security concerns associated with Ministerial travel, as also arise for example with the judiciary. It provides a solution to the core problem identified in a more cost effective way.

14. SIPOC also felt that the 96,540 km (60,000 miles) annual limit should be removed. The Minister is satisfied that, while the point has a certain validity, in the current economic climate, he considers that the limit for claiming mileage by Ministers remains a reasonable limit and is not minded to remove it.

15. 

Further proposed changes

16. Special subsistence arrangements are in place for civilian drivers in that they may avail of overnight expenses for necessary stays in Dublin related to the official duties of their Minister and subject to their home base being at least 24.14km [15 miles] distance or more from the GPO. However in the case of Civilian Drivers who are required to travel from their home base to collect Ministers at their residence it is the position that such distances are not specified for purposes of the drivers claiming overnights. It is now proposed to apply a 24.14km (15 mile) distance requirement in order to allow Civilian Drivers to claim overnights where they are required to travel from their home base to the residence of their Minister. This arrangement is subject to the existing standard annual limit of €21,500 pa for such expenses not being exceeded. This is for noting by Government and the arrangement will be implemented on an administrative basis.

17. The cost of insuring against any future liability on Ministers' no claim bonus is not generally included within the extra 'loading' insurance provision mainly because this specific element of the cost is understood to be relatively small in amount and appropriate for inclusion in the mileage rates payable. The appropriateness of separating this specific future no claims liability cost from the extra 'loading' cost will be examined at official level with a view to determining if the current arrangements require to be revised.

4. Impacts

There are no impacts for the following: Employment, North-South, East-West Relations, Gender Equality, Poverty Proofing, Industry Costs, Rural Communities, Quality Regulation

5. Observations Returned

No observations supplied



**Oifig an Taoisigh
17/07/2012 Government Meeting**

**STRICTLY CONFIDENTIAL
BRIEFING NOTE FOR TAOISEACH**

Item No. 64: Ministerial Transport

Further to his Memoranda of April last, M/PER is asking the Government to note the conclusions of a review carried out by his Department on the operation of the car transport arrangements introduced for Ministers in May 2011, which led to substantial savings. Also, he is asking the Government to agree that:

- a fixed proportion of mileage be devoted to personal purposes;
- from 1 September 2012 Ministers (excluding the Taoiseach, Tánaiste & M/J&E) and Ministers of State make a 10% reduction from the mileage claimed, to take account of any personal travel incidentally incurred in the conduct of official business;
- the administration of official expenses in respect of Ministerial transport arrangements be formally assigned at Private Secretary and Accounting Officer level; and
- [REDACTED] arrangements be put in place by his Department for the option of Garda transport to be made available to Ministers for official purposes where Ministers may be without their own transport to complete a journey.

M/PER is also asking the Government to note:

- the communication from the Standards in Public Office Commission (SIPOC) concerning Ministerial travel arrangements following a complaint made to it – SIPOC felt that the rules under which Ministers claim for their travel costs are not sufficiently transparent. M/PER considers that his recommendations meet the Commission's concerns while avoiding the need for a significant administrative overhead to disaggregate personal travel and also take account of the security concerns associated with Ministerial travel; and
- certain changes to the conditions applying to the subsistence expenses of Civilian Drivers – currently, the distance a Driver has to travel from home to their Minister's residence is not specified for the purposes of claiming overnights. The Minister is

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proposing to apply a 24.14km (15 mile) distance requirement in order to allow Drivers to claim overnights where they are required to travel from their home base to the residence of their Ministers.

Philip Hamell
16 July 2012

In keeping with the confidentiality of Government related document, copies of this note should be not forwarded to other persons and should be disposed of confidentially following the Government Meeting.



1

Uimhir Thagartha: S180/20/10/1417

CRUINNÍÚ RIALTAIS

Dáta: 17/07/2012

Ábhar: 64. Ministerial Transport

An tAire a thionscain: Oifig an Aire Caiteachais Phoiblí agus Athchóirithe

Dáta an Mheabhráin: 16/07/2012

Cinneadh an Rialtais:

(1) noted the conclusions of a review carried out by the Department of Public Expenditure and Reform on the operation of the car transport arrangements introduced in May 2011 for Cabinet Ministers which has led to substantial savings in the costs of travel arrangements for Cabinet Ministers in comparison to previous arrangements;

(2) agreed, notwithstanding the considerable savings made, that

(i) further public confidence can be generated by determining a fixed proportion of mileage devoted to personal purposes. Applying a fixed proportion would avoid the need for a burdensome administration system,

(ii) with effect from 1 September, 2012, Ministers and all Ministers of State (excluding the Taoiseach, Tánaiste and Minister for Justice and Equality) would make a 10% reduction from the mileage claimed to take account of any personal travel incurred. Mileage would henceforth be claimed on a monthly or quarterly basis and claims would be made on a standardised claim form to be supplied by the Department of Public Expenditure and Reform. The system proposed above would formalise the informal system that has operated up to now and would allow for standardised record keeping by Departments,

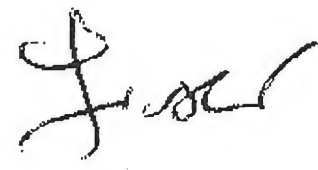

(iii) the administrative management of all official expenses documentation in respect of Ministerial transport arrangements (including Civilian Drivers) is to be formally assigned to Private Secretary and Accounting Officer level as appropriate within each Minister's Department, and

(iv) [REDACTED] arrangements will be put in place by his Department for the option of Garda transport to be made available to Ministers for their official business purposes where for unforeseen reasons they may be without their own transport to complete a journey; and

(3) noted

(i) the communication from the Standards in Public Office Commission concerning Ministerial travel arrangements following a complaint made to the Commission, and

(ii) certain changes to be made at an administrative level to the conditions applying to the subsistence (overnights) expenses of Civilian Drivers.



Ard-Rúnaí an Rialtais

Cóip curtha chuig: Oifig an Aire Airgeadais, Oifig an Taoisigh, Oifig an Aire Iompair, Turasóireachta agus Spóirt, Oifig an Aire Leanaí agus Gnóthaí Óige, Oifig an Aire Ealaíon, Oidhreacht agus Gaeltachta, Oifig an Aire Sláinte, Oifig an Aire Gnóthaí Eachtracha agus Trádála, Oifig an Aire Dlí agus Cirt agus Comhionannais, Oifig an Aire Talmhaíochta, Bia agus Mara, Oifig an Árd-Aighne, Oifig an Aire Cosanta, Oifig an Aire Post, Fiontar agus Nuálaíochta, Oifig an Aire Comhshaoil, Pobail agus Rialtais Áitiúil., Oifig an Aire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha, Oifig an Aire Oideachais agus Scileanna, Oifig an Aire Coimirce Sóisialaí, Oifig an Aire Stáit ag Roinn an Taoisigh

Freedom of Information Act 2014

PART 4

Exempt Records

Meetings of the Government

28. (1) A head may refuse to grant an FOI request if the record concerned—

- (a) has been, or is proposed to be, submitted to the Government for its consideration by a Minister of the Government or the Attorney General and was created for that purpose,
- (b) is a record of the Government other than a record by which a decision of the Government is published to the general public by or on behalf of the Government, or
- (c) contains information (including advice) for a member of the Government, the Attorney General, a Minister of State, the Secretary General to the Government for use by him or her solely for the purpose of the transaction of any business of the Government at a meeting of the Government.

(2) A head shall refuse to grant an FOI request if the record concerned—

- (a) contains the whole or part of a statement made at a meeting of the Government or information that reveals, or from which may be inferred, the substance of the whole or part of such a statement, and
- (b) is not a record—
 - (i) referred to in *paragraph (a) or (c) of subsection (1)*, or
 - (ii) by which a decision of the Government is published to the general public by or on behalf of the Government.

(3) Subject to this Act, *subsection (1)* does not apply to a record referred to in that subsection—

- (a) if and in so far as it contains factual information relating to a decision of the Government that has been published to the general public, or
- (b) if the record relates to a decision of the Government that was made more than 5 years before the receipt by the head concerned of the FOI request concerned.


(4) A decision to grant an FOI request in respect of a record to which *paragraph (a)* or *(b)* of *subsection (1)* applies shall not be made unless, in so far as it is practicable to do so, the head concerned has, prior to the making of the decision, consulted in relation to the request with —

(a) the leader of each political party to which belonged a member of the Government that made any decision to which the record relates, and

(b) any member of the Government aforesaid who was not a member of a political party.

(5) Where an FOI request relates to a record to which *subsection (1)* applies, or would, if the record existed, apply, and the head concerned is satisfied that the disclosure of the existence or non-existence of the record would be contrary to the public interest, he or she shall refuse to grant the request and shall not disclose to the requester concerned whether or not the record exists.

(6) In this section—

“decision of the Government” includes the noting or approving by the Government of a record submitted to them; 

“record” includes a preliminary or other draft of the whole or part of the material contained in the record;

“Government” includes a committee of the Government, that is to say, a committee appointed by the Government whose membership consists of—

(a) members of the Government, or

(b) one or more members of the Government together with either or both of the following:

(i) one or more Ministers of State;

(ii) the Attorney General.